

Credit card chargebacks

As a credit card user, you have certain rights under state and federal law which allow you to obtain a refund in the form of a chargeback on your credit card in certain situations.

When you agree to purchase a product or service, the merchant who takes your credit card number prints a receipt and deposits it with his or her merchant bank. The merchant bank then pays the merchant and sends the receipt to the bank that issued your credit card (issuing bank). The issuing bank pays the merchant bank and sends you a billing statement.

Under the standard agreement, the merchant maintains a reserve account in its merchant bank to cover chargebacks by dissatisfied cardholders. There are two reasons recognized by federal law by which you can dispute making a payment on your credit card billing statement—problems

with billing errors or a reason called “claims and defenses.”

Billing errors

Billing errors include such things as:

- Charges you did not authorize.
- Charges for undelivered goods or services.
- Charges for goods or services different from that which was presented (including the wrong quantity).

For instance, if you gave your credit card number to someone over the telephone for credit verification purposes only, but then found an unauthorized billing on your statement, this would be considered a billing error. Likewise, if you prepaid for a trip which will not be delivered because the company is now bankrupt or out of business, this could be disputed as a billing error.

To request a chargeback because of a billing error, you must file a **written** request with your credit card company within 60 days after the disputed charge first appears on your billing statement (**not** the date you made the charge). Some banks extend this time period to 90 days, so you need to read the back of your credit card statement for specific information related to your card.

To dispute a charge because of a billing error you need not make any attempt to resolve the dispute with the merchant and you can request a chargeback even if you already paid off the disputed amount. Your bank may ask you to send the merchandise back to the merchant before it will give you a credit or refund.

Claims and Defenses

Under claims and defenses, you can dispute the type of

problems described related to billing errors, or any other billing you might have a problem with, for up to **one year** from the date of the statement. However, you must meet four specific conditions to dispute using this reason:

- The disputed amount must be over \$50.
- You must still owe all or a portion of the money for this charge (you cannot dispute under this category if you already paid off the disputed amount).
- The transaction must take place in Wisconsin and be within 100 miles of your home (transactions that take place by telephone or mail from your home are considered to take place at your home and not the merchant's location,

regardless of who initiated the contact).

- You **must** make a good faith effort to obtain a refund or credit from the merchant.

Regardless of your reason for disputing a credit card billing, it is important that you **do it in writing**. The attached **Credit Card Chargeback Request** form has been prepared to provide an easy way to send the pertinent information to your credit card company.

It will also be helpful for you to send copies of any correspondence you had with the merchant, invoices, receipts, advertisements, your credit card billing statement, and other supporting materials. Don't forget to keep a copy of anything you send for your records.

Remember, check the back of your billing statement for specific directions and the mailing address of your credit card company.

If your chargeback request is denied, but you believe that you satisfied all of the required conditions, contact the Bureau of Consumer Protection for additional assistance:

(800) 422-7128

FAX: (608) 224-4939

TTY: (608) 224-5058

E-MAIL:

datcph hotline@datcp.state.wi.us

WEBSITE:

<http://datcp.state.wi.us/>

Credit Card Chargeback Request

TYPE OF CREDIT CARD

ACCOUNT NUMBER

NAME ON CREDIT CARD

TELEPHONE NUMBER

ADDRESS

CITY

STATE

ZIP

Information about the transaction:

PLACE OF TRANSACTION



MERCHANTS PLACE OF BUSINESS



TELEPHONE



MAIL

DATE OF SALE

AMOUNT OF SALE

POSTING DATE
(DATE SHOWN ON BILLING
STATEMENT)

MERCHANT NAME

ADDRESS

CITY

STATE

ZIP

Reason for chargeback request (check all that apply):

- **Unauthorized Charge**

I did not make the charge, or give anyone else permission to make the charge.

- **Item/Service Not Received**

The item/service described on the credit slip or billing statement was not received.

- **Item/Service Misrepresented**

The item/service was received, but not as ordered or represented, or does not match the description on the credit slip or billing statement. I have offered to return the item to the seller.

- **Defective Item**

The item is defective. I have offered to return it to the seller.

- **Amount of Charge Incorrect**

The credit slip or billing statement shows an incorrect amount.

The correct amount is _____ instead of _____.

Other Reason (explain) _____

I have made a good faith effort to resolve this matter with the seller

(explain and attach copies of correspondence): _____

SIGNATURE

DATE

**Mail this form with a copy of credit slip, sales receipt, and billing statement
to your CREDIT CARD COMPANY as soon as possible.**

Keep a copy for your records.

